

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

ALLSTATE INSURANCE COMPANY;
ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY; ALLSTATE
PROPERTY AND CASUALTY
INSURANCE COMPANY; ESURANCE
INSURANCE COMPANY; and
ESURANCE PROPERTY AND
CASUALTY INSURANCE COMPANY,

Plaintiffs,

v.

411 HELP, LLC; GRAVITY IMAGING,
LLC; 4 TRANSPORT INC.; NEW
HORIZON CHIROPRACTIC PLLC;
SPINE & HEALTH PLLC; FIRST
MEDICAL GROUP, PLLC; UNIQUE
LAB SOLUTIONS LLC; VELOCITY
MRS – FUND V, LLC; NATIONAL
HEALTH FINANCE DM, LLC;
WILLIAM GONTE, M.D.; GEOFFREY
KEMOLI SAGALA, D.C.; and
ERNESTO CARULLA, P.T.,

Defendants.

C.A. No. 2:20-cv-12939-LVP-JJCG

**STIPULATION OF DISMISSAL AS TO PLAINTIFFS' COMPLAINT (ECF
NO. 1) AGAINST DEFENDANTS SPINE & HEALTH PLLC, FIRST
MEDICAL GROUP, PLLC, UNIQUE LAB SOLUTIONS LLC, NEW
HORIZON CHIROPRACTIC PLLC, WILLIAM GONTE, M.D., AND
ERNESTO CARULLA, P.T., AND AS TO DEFENDANTS SPINE &
HEALTH PLLC AND FIRST MEDICAL GROUP, PLLC'S COUNTER-
COMPLAINT AGAINST PLAINTIFFS (ECF NO. 33)**

Pursuant to Fed. R. Civ. P. 41(a)(1), it is hereby stipulated and agreed by and between plaintiffs Allstate Insurance Company, Allstate Fire and Casualty Insurance Company, Allstate Property and Casualty Insurance Company, Esurance Insurance Company, and Esurance Property and Casualty Insurance Company (collectively, “Allstate”) and defendants Spine & Health PLLC, First Medical Group, PLLC, Unique Lab Solution LLC, New Horizon Chiropractic PLLC, William Gonte, M.D., and Ernesto Carulla, P.T. (collectively, the “defendants”), by and through their undersigned counsel, that Allstate’s Complaint (*ECF No. 1*) be dismissed with prejudice as to Spine & Health PLLC, First Medical Group, PLLC, Unique Lab Solution LLC, New Horizon Chiropractic PLLC, William Gonte, M.D., and Ernesto Carulla, P.T. It is further stipulated and agreed that defendants Spine & Health PLLC and First Medical Group, PLLC’s Counter-Complaint (*ECF No. 33*) be dismissed with prejudice as to Allstate for all conduct and all counts except Spine & Health PLLC and First Medical Group, PLLC’s counts seeking benefits under the Michigan No-Fault Act, Mich. Comp. Laws § 500.3101, *et seq.*, which are dismissed without prejudice. It is further stipulated and agreed by and between all parties to this stipulation that the within dismissals shall be without costs or fees of any kind to any party.

It is hereby agreed by the parties that this Court shall retain jurisdiction to enforce the terms of settlement reached between the parties.

STIPULATED AND AGREED TO THIS 1ST DAY OF MARCH, 2023:

<i>Allstate Insurance Company, Allstate Fire and Casualty Insurance Company, Allstate Property and Casualty Insurance Company, and ASMI Auto Insurance Company</i> By their Attorneys, <i>/s/ Jacquelyn A. McEttrick</i> Nathan A. Tilden (P76969) ntilden@ktmpc.com Jacquelyn A. McEttrick jmcettrick@ktmpc.com Andrew H. DeNinno adeninno@ktmpc.com Brad A. Compston bcompston@ktmpc.com KTM 38777 Six Mile Road, Suite 314 Livonia, MI 48152 350 Granite Street, Suite 2204 Braintree, MA 02184 (617) 770-2214	<i>Spine & Health PLLC, First Medical Group, PLLC, Unique Lab Solution LLC, New Horizon Chiropractic PLLC, William Gonte, M.D., and Ernesto Carulla, P.T.</i> By their Attorneys, <i>/s/ Robert L. Akouri</i> Robert L. Akouri (P43788) akouripllc@yahoo.com AKOURI & ASSOCIATES, P.L.L.C. 6528 Schaefer Road Dearborn, MI 48126 (313) 584-1404
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ERNESTO CARULLA, P.T.,

Defendants.

C.A. No. 2:20-cv-12939-LVP-JJCG

**STIPULATED ORDER OF DISMISSAL AS TO PLAINTIFFS’
COMPLAINT (ECF NO. 1) AGAINST DEFENDANTS SPINE & HEALTH
PLLC, FIRST MEDICAL GROUP, PLLC, UNIQUE LAB SOLUTIONS
LLC, NEW HORIZON CHIROPRACTIC PLLC, WILLIAM GONTE, M.D.,
AND ERNESTO CARULLA, P.T., AND AS TO DEFENDANTS SPINE &
HEALTH PLLC AND FIRST MEDICAL GROUP, PLLC’S COUNTER-
COMPLAINT AGAINST PLAINTIFFS (ECF NO. 33)**

This matter having come before the Court upon stipulation of the parties, and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED that plaintiffs' causes of action against defendants Spine & Health PLLC, First Medical Group, PLLC, Unique Lab Solution LLC, New Horizon Chiropractic PLLC, William Gonte, M.D., and Ernesto Carulla, P.T. in this matter are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that defendants Spine & Health PLLC and First Medical Group, PLLC's causes of action against the plaintiffs are hereby dismissed with prejudice for all conduct and all counts except Spine & Health PLLC and First Medical Group, PLLC's counts seeking benefits under the Michigan No-Fault Act, Mich. Comp. Laws § 500.3101, *et seq.*, which are dismissed without prejudice.

IT IS HEREBY ORDERED that plaintiffs, Spine & Health PLLC, First Medical Group, PLLC, Unique Lab Solution LLC, New Horizon Chiropractic PLLC, William Gonte, M.D., and Ernesto Carulla, P.T. shall not be entitled to costs or fees related to the foregoing dismissals.

The Court shall retain jurisdiction over this matter to enforce the terms of settlement reached between the parties.

IT IS SO ORDERED.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 1, 2023